

1 THOMAS P. O'BRIEN
 United States Attorney
 2 GEORGE S. CARDONA (Cal. Bar No. 135439)
 Chief Assistant United States Attorney
 3 CHRISTINE C. EWELL
 Assistant United States Attorney
 4 Chief, Criminal Division
 United States Courthouse
 5 312 North Spring Street, 12th Floor
 Los Angeles, California 90012
 6 Telephone: (213) 894-8323
 Facsimile: (213) 894-2535
 7 Attorneys for Plaintiff
 United States of America

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 9 UNITED STATES DISTRICT COURT
 10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) CR No. 92-186-R
)
 12 Plaintiff,) [~~PROPOSED~~] ORDER DENYING
) DEFENDANT'S MOTION TO REDUCE
 13 v.) SENTENCE PURSUANT TO 18 U.S.C.
) § 3582(C)(2)
 14 REGINO ARMENTA-LOPEZ,)
)
 15 Defendant.)
)
 16 _____)

17 On January 22, 2008, defendant Regino Armenta-Lopez filed a
 18 motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2)
 19 based on a recent retroactive amendment to the United States
 20 Sentencing Guidelines which lowered the base offense levels
 21 applicable under U.S.S.G. § 2D1.1 to cocaine base ("crack")
 22 offenses. The government filed an opposition to defendant's
 23 motion on February 20, 2008, and defendant filed a reply on March
 24 27, 2008. The court conducted a hearing on the motion, at which
 25 both defendant and his counsel, Federal Public Defender Sean
 26 Kennedy, were present, on March 31, 2008. Having considered the
 27 papers filed by the parties, as well as the representations to
 28

1 the court at the hearing, the court finds and orders as follows:

2 It is undisputed that defendant was sentenced based on an
3 offense level determined based on application of the guidelines
4 for methamphetamine, not cocaine base ("crack"). Accordingly,
5 the retroactive amendment to the guidelines applicable to cocaine
6 base ("crack") offenses is inapplicable to defendant, and
7 defendant is not eligible for reduction of sentence pursuant to
8 18 U.S.C. § 3582(c)(2). Therefore, defendant's motion must be,
9 and it is, denied.

10
11 DATED: April 7, 2008



HON. MANUEL L. REAL
United States District Judge

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14 Presented by:

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16 _____ /S/
George S. Cardona
17 Chief Assistant United States Attorney
Attorney for Plaintiff
18 United States of America
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